

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Thursday, 16 June, 2011 at 6.00 p.m. at Civic Offices, Telford

PRESENT: Councillors S. Davies and C.B.A. Elliott;
Mr F. Beasland and Mr A. Selvaratnam (Chair) (Independent Members);
Councillors P. Fairclough and R. Wickson (Parish Council representatives)

ST-1 ELECTION OF CHAIRMAN FOR 2011/12

In accordance with the statutory requirements, the Chairman had to be an Independent Member of the Committee. It was moved, seconded and

RESOLVED - that Mr A Selvaratnam be elected Chair of the Standards Committee for the 2011/12 Municipal Year.

ST-2 MINUTES

RESOLVED – that the minutes of the meeting of the Standards Committee held on 10 March 2011 be confirmed and signed by the Chairman.

ST-3 APOLOGIES FOR ABSENCE

Councillors T.J. Hope, M.B. Hosken, A.D. McClements, R.J. Sloan and A.J. Stanton
Councillors D. Edwards and R. Williams (Parish Council representatives)

ST-4 DECLARATIONS OF INTEREST

The Chair stated that neither himself nor Mr Beasland would take part in discussion or voting on the re-appointment of Independent Members of the Committee contained within Agenda item 6 – Annual Report of the Standards Committee and General Update

ST-5 ANNUAL REVIEW OF STANDARDS COMMITTEE TERMS OF REFERENCE

The Head of Governance & Monitoring Officer presented a report which asked the Committee to consider whether any amendments were required to its terms of reference, and to make any recommendations for further changes as appropriate.

Two minor changes to the Terms of Reference were proposed:

- i) to change the elected membership number to “up to eight elected members” to reflect the current political balance;

- ii) change references to Standards Board to England to “Standards for England” to reflect the current operating name of the Standards Board..

RESOLVED – that the changes to the terms of reference proposed by the Monitoring Officer, as shown at paragraph 5.1.4 of the report, be approved.

ST-6 ANNUAL REPORT OF THE STANDARDS COMMITTEE AND GENERAL UPDATE

(Mr Selvaratnam and Mr Beasland did not take part in the discussion or vote on resolution (d) below).

The Head of Governance & Monitoring Officer presented a draft version of the annual report of the Standards Committee for approval. A copy was attached to the agenda.

The draft annual report also contained a proposed work programme for 2011/12. During consideration of the work programme, it was suggested that a further training session on the Members Code of Conduct could be arranged for Parish members. This would provide an opportunity for both newly elected Parish Councillors as well as those who had not previously attended previous training events. The Monitoring Officer advised that he would write to Parish and Town Clerks to advise them of the intention to organise a training event later in the year.

In terms of Committee membership and appointments, the Head of Governance & Monitoring Officer reported that all members of the Committee should be formally appointed to the sub-committees and hearing panel. In relation to the two remaining Independent members on the Committee, their terms of office were due to expire. Standards for England had recently changed their guidance concerning terms of office of independent members, and it was proposed that both Mr Selvaratnam and Mr Beasland be re-appointed until such time as the Committee recommended otherwise – as a result of developments relating to the provisions of the Localism Bill. In respect of Councillor Roy Williams, his second term of office as a parish representative would expire on 7 July 2011, and the Committee were asked to consider whether to reappoint Cllr Williams for a further period.

The Head of Governance & Monitoring Officer also reported on developments concerning the future of the ethical framework contained within the Localism Bill. These included the abolition of Standards for England, the revocation of the mandatory model code of conduct for Members, authorities would no longer be required to establish a Standards Committee, and new regulations would create criminal offences for failure by a member to register or disclose certain interests. It was expected that the new provisions would be in force by around April 2012. During the ensuing discussion, Members expressed the view that some form of ethical framework should continue to operate, and that views from Parish Councils and others could be sought regarding the

proposed new legislative provisions and subsequent new regime. For example, the Telford & Wrekin Parish Forum could be consulted and invited to express a view.

RESOLVED –

- (a) that the draft version of the annual report of the Standards Committee be approved, subject to the inclusion in the 2011/12 work programme of a training event for parish and town councillors;
- (b) that the appointment of all members of the Committee to the Referrals, Review and Dispensation Sub-Committees and the Hearing Panel be confirmed;
- (c) that the Monitoring Officer invite views and comments from Borough and Parish/Town Councillors regarding the future ethical framework in Telford & Wrekin (in the light of the proposals contained in the Localism Bill), and that a report then be brought to a future meeting of the Committee for consideration;
- (d) **TO RECOMMEND TO COUNCIL** that Mr Frank Beasland and Mr Arul Selvaratnam be appointed independent members of the Standards Committee from the expiry of their second and first terms respectively for an indefinite period, pending developments relating to the provisions of the Localism Bill;
- (e) that Councillor Roy Williams be re-appointed as a Parish Council representative on the Standards Committee.

The meeting ended at 6.25 pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 21st SEPTEMBER 2011

**REPORT ON ACTION UNDERTAKEN BY THE MONITORING OFFICER
FOLLOWING A CODE OF CONDUCT COMPLAINT - COUNCILLOR
ADRIAN MEREDITH**

REPORT OF HEAD OF GOVERNANCE AND MONITORING OFFICER

1. PURPOSE

To update the Standards Committee as to action undertaken at the direction of the Standards Committee Referrals Sub-Committee following a complaint alleging a breach of the Code of Conduct

2. RECOMMENDATIONS

2.1 That the Standards Committee confirm that they are satisfied with the outcome of the action undertaken by the Monitoring Officer following the decision of the Referrals Sub-Committee on 16TH June 2011

3. SUMMARY

Following a complaint to the Standards Committee, the Referrals Sub-Committee directed that the Monitoring Officer provide training to Councillor Adrian Meredith. The Committee are required to consider whether they are satisfied with the action undertaken by the Monitoring Officer in accordance with the direction given.

4. PREVIOUS MINUTES

Standards Committee Referrals Sub-Committee – 16th June 2011

5. INFORMATION

5.1 Background

On the 16th June 2011 the Referrals Sub-Committee of the Standards Committee met to consider a complaint made by a member of the public alleging a breach of the Code of Conduct by Councillor Adrian Meredith. Having considered the complaint and taken advice the Sub-Committee decided that they would direct the Monitoring Officer to provide training to Councillor Meredith. A copy of the public summary is attached at Appendix 1. It should be noted that the Referrals Sub-Committee made no finding regarding whether or not the Code of Conduct had been

breached and that Councillor Meredith had already confirmed his willingness to receive training.

Following this direction the Monitoring Officer wrote to Councillor Meredith attended the Civic Offices on 18th July 2011 to meet with the Monitoring Officer and one of the Deputy Monitoring Officers to discuss sections of the Code of Conduct relating to using your position as a member improperly to confer or secure an advantage or disadvantage and other Code of Conduct issues that particularly related to the local planning process. Following that meeting the Monitoring Officer confirms that he is satisfied that the areas of the code that the Sub-Committee asked to be covered in the training have been addressed and that the appropriate training/discussions have taken place.

It is a requirement that when any other action is directed by the Standards Committee (or Sub-Committee to the Standards Committee) that the outcome is reported back to the Standards Committee within three months of the decision being made or as soon as possible thereafter. This report is put for the Committee to consider at the first available meeting following the meeting with Councillor Meredith.

It is also a requirement that the Standards Committee have to confirm whether or not they are satisfied with the outcome achieved. Accordingly, the Committee are required to consider the action undertaken following the decision made by the Referrals Sub-Committee on 16th June and decide whether the matter can be considered closed.

5.2 Equality and Diversity

The Monitoring Officer will ensure that any equality and diversity issues are addressed in respect of Code of Conduct training.

5.3 Environmental Impact

No implications

5.4 Legal Comment

The Referrals Sub-Committee of the Standards Committee referred the allegation against Councillor Meredith to the Monitoring Officer with the direction that the Councillor undertake training. This was in accordance with their authority under Section 57 A (2) (a) of the Local Government Act 2000 (as amended by Section 185 of the Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008 Act Regulation 13 (3) (a)).

In accordance with the Standards Committee (England) Regulations 2008 Act Regulation 13 (4) (c) the Standards Committee are required to make a decision as to whether or not they are satisfied with the action which is being undertaken as a result of the referral to the Monitoring

Officer. If no further action is required notification is to be given to the Member who is subject to the report and the person who made the allegations (in accordance with the Standards Committee (England) Regulations 2008 Act Regulation 13 (7)).

5.5 Links with Corporate Priorities

Processing complaints in accordance with statutory guidelines together with ensuring that appropriate action is taken in order to resolve issues raised by the complaints, assist the Council in meeting the corporate priority of being an efficient and effective Council.

5.6 Opportunities and Risks

The opportunities and risks associated with providing this Code of Conduct training in complying with the direction from the Referrals Sub-Committee has been identified and assessed. Arrangements have been put in place to manage the risks and maximise the opportunities that have been identified.

5.7 Financial Implications

The cost of the training provided was funded from within existing budgets.

6. WARD IMPLICATIONS

District wide implications

7. BACKGROUND PAPERS

Local Government and Public Involvement in Health Act 2008

The Standards Committee (England) Regulations 2008

***Report prepared by Matthew Cumberbatch, Legal Services Manager
Tel: 01952 383255***



DECISION NOTICE: REFERRAL FOR OTHER ACTION

Reference 2011/5

Complaint

On 16th June 2011, the Referrals Sub-Committee of the Standards Committee of this authority considered a complaint from Mr. Tony Rowland concerning the alleged conduct of Councillor Adrian Meredith, a member of Newport Town Council and Telford & Wrekin Council.

We have set out a general summary of the complaint below:

The complaint relates to Councillor Meredith's involvement in a planning application at a property in Newport.

The complainant alleges that Councillor Meredith has abused his position as a Councillor in respect of his behaviour at the Plans Board site visit which the complainant states caused the application to be refused. Further, the complainant has also included in the complaint a letter on Council headed paper from Councillor Meredith to the planning inspector regarding the appeal against the refusal of planning permission made by the complainant.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals Sub-Committee of the Standards Committee decided to direct the Monitoring Officer to invite Councillor Meredith for training.

Potential breaches of the Code of Conduct identified

We have identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct.

- using your position as a member improperly to confer or secure an advantage or disadvantage
- not using the resources of the authority in accordance with their requirements

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made and the clerk to Newport Town Council.

The reason for this decision is that the Sub-Committee believed that, on the basis of the information contained in the complaint, there may have been an apparent breach of the Code of Conduct and that the member complained of is amenable to engaging in training.

What happens now?

The Monitoring Officer will contact Councillor Meredith to invite him to attend training and subsequently report back to the Standards Committee accordingly.

Terms of reference.

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committee) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000. We can also help if English is not your first language. If such assistance is required then please contact us on 01952 383255.

Signed 

Date 20th June 2011

Arul Selvaratnam - Chairman of the Referrals Sub-Committee